

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT LEE MANGELLO, JR.,

Plaintiff,

v.

RALPH C. WARMAN, et al.,

Defendants.

Civil Action No. 07-1559 Pittsburgh

**MEMORANDUM ORDER**

This civil rights action was received by the Clerk of Court on November 15, 2007, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 34], filed on September 24, 2008, recommended that the motion to dismiss filed by Defendant Warman [Doc. No. 20] be granted and pursuant to the authority granted to courts in the Prison Litigation Reform Act, that Plaintiff's claim against Defendant Lepore be dismissed for failing to state a claim. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. Plaintiff filed objections [Doc. No. 35], as well as two supplements to the objections [Doc. Nos. 36 and 37], on October 8, 2008. After de novo review of the motion and documents in the case, together with the Report and Recommendation, objections and supplements to the objections, the following order is entered:

AND NOW, this 14<sup>th</sup> day of October, 2008;

IT IS HEREBY ORDERED that the motion to dismiss filed by Defendant Warman [Doc. No. 20] is GRANTED and pursuant to the authority granted to courts in the Prison Litigation Reform Act, Plaintiff's claim against Defendant Lepore is DISMISSED for failing to state a claim.

The Report and Recommendation [Doc. No. 34] of Magistrate Judge Baxter, filed on September 24, 2008, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge